

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Smith, Jr.

Application No.: 10/701,146

Filed: 11/4/2003

Title: Cargo Oriented Aircraft

Attorney Docket No.: 50121



Art Unit: 3644

Examiner: Tien Dinh

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT SUBSEQUENT TO REMAND DECISION OF THE
BOARD OF PATENT APPEALS AND INTERFERENCES decided 12-12-2007

Dear Sir:

Amendments

Please amend the claims as per the attached amendment sheets.

The claims are amended herein to correct an inconsistency, just noticed by applicant, in the use of the word "wing" and the phrase "larger lifting surface" in claims 1, 2, 8 and 11. Thus applicant amends claims 2 and 8 to use the phrase "larger lifting surface".

The claims are amended herein to remove the term "door type of" in the limitation "door type of closure" in claim 1, affirmed by the Board as indefinite in light of the specification.

New claim 12 is added herein to more particularly identify the novelty of the instant invention in light of the Board's remand instructions, directing the Examiner to make additional factual findings and conclusions of law as to Rutan ATTT and Rutan '800.

REMARKS

Status of the Claims

Claims 1-12 are pending in the application.